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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

H&H Pharmaceuticals, LLC,
Plaintiff,

Case No.: 2:16-cv-02148-GMN-VCF

vs.

**DEFENDANTS' MOTION FOR LEAVE
TO FILE MOTION TO DISMISS
UNDER SEAL**

CHATTEM CHEMICALS, INC.,
SUN PHARMACEUTICAL INDUSTRIES,
INC., DOES I-X, and ROE CORPORATIONS
I-X, INCLUSIVE,
Defendants.

Defendants Chattem Chemicals, Inc. ("Chattem") and Sun Pharmaceutical Industries, Inc. ("Sun") (together, "Defendants"), do hereby move the Court for leave to file under seal their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (the "Motion to Dismiss"), according to the provisions of D. Nev. R. IA 10-5. In support thereof, Defendants state:

1. A court may seal court records for good cause if the interests served by non-disclosure outweigh the right of the public access to judicial records. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 598 (1978).

1 2. In support of their Motion to Dismiss, Defendants attach as **Exhibit 2** the
2 Settlement Agreement upon which Plaintiff H&H Pharmaceuticals, LLC ("Plaintiff")
3 bases its claims, and **EXHIBIT 3**, which consists of correspondence that includes a
4 copy of the Settlement Agreement

5 3. Defendants also reference and describe various provisions from the
6 Settlement Agreement throughout their Motion to Dismiss.

7 4. Paragraph 12 of the Settlement Agreement provides that the parties shall
8 not disclose the provisions of the Settlement Agreement, except in limited
9 circumstances not applicable here.

10 5. Paragraph 12 further states that nothing in paragraph 12 shall prevent the
11 parties from asserting or pursuing any claim to enforce the terms of the Settlement
12 Agreement.

13 6. Although Plaintiff has put the terms of the Settlement Agreement at issue
14 by filing the current action, and Defendants should be permitted to disclose the
15 provisions of the Settlement Agreement in connection with their defense of Plaintiff's
16 claims, in an abundance of caution Defendants seek to file their Motion to Dismiss
17 under seal to avoid any potential violation of paragraph 12 of the Settlement Agreement.

18 7. For the reasons stated in this Motion, good cause exists for sealing the
19 Defendants' Motion to Dismiss, supporting memorandum, and exhibits.

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1 WHEREFORE, Defendants Chattem Chemicals, Inc. and Sun Pharmaceutical
2 Industries, Inc. respectfully request that the Court grant leave to file Defendants' Motion
3 to Dismiss and accompanying exhibits under seal.

4 DATED this 29th day of September, 2016.

5
6 ROBISON, BELAUSTEGUI, SHARP & LOW
7 71 Washington Street
8 Reno, Nevada 89503

9 BY: /s/ MICHAEL E. SULLIVAN

10 MICHAEL E. SULLIVAN
11 BARRY L. BRESLOW
12 SCOTT L. HERNANDEZ

13 and

14 CICELY I. LUBBEN, *pro hac vice* pending
15 STINSON LEONARD STREET LLP
16 7700 Forsyth Boulevard, Suite 1100
17 St. Louis, Missouri 63105

18 Attorneys for Defendants

19 IT IS SO ORDERED.

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21 UNITED STATES MAGISTRATE JUDGE

22 DATED: 10-13-2016

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true copy of **DEFENDANTS' MOTION FOR LEAVE TO FILE MOTION TO DISMISS**

UNDER SEAL on all parties to this action by the method(s) indicated below:

_____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

 X by using the Court's CM/ECF Electronic Notification System addressed to:

Luis A. Ayon, Esq.
Joseph A. Gutierrez, Esq.
Mayer Gutierrez Ayon
8816 Spanish Ridge Avenue
Las Vegas, NV 89148
Attorneys for Plaintiff

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 29th day of September, 2016.

/s/ Claudia Zaehring
CLAUDIA ZAEHRINGER